

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

The Constitution Party of Virginia, <i>et al.</i>)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 3:20-cv-00349
)	
Virginia State Board of Elections, <i>et al.</i>)	
)	
Defendants.)	

**MOTION TO APPEAR TELEPHONICALLY
OR BY VIDEOCONFERENCING**

NOW COMES local counsel for the plaintiffs, and moves that he be permitted to appear by telephone or videoconferencing at the June 19, 2020 hearing in this matter. In support of this Motion, local counsel states as follows:

- 1) Undersigned counsel lives in Virginia and concentrates his practice in Virginia, but is also licensed to practice law in the State of Washington and currently has two pending cases in the Thurston County Superior Court (in Olympia, Washington).
- 2) By order dated March 13, 2020, Judge Erik D. Price of the Thurston County Superior Court set a hearing in one of undersigned counsel's Washington State cases for 9:00 a.m. (Pacific Time) on June 19, 2020. See Exhibit A. Although there is an ongoing Judicial Emergency in Washington State and undersigned counsel suspects the Thurston County hearing may be cancelled, as of this filing it has not been cancelled and remains on the docket. See Exhibit B.

- 3) The hearing in this matter is also set for 9:00 a.m. (Eastern Time) on June 19, 2020. This Court's order entered on June 9, 2020 requires all counsel, including local counsel, to appear personally at the Courthouse in Richmond.
- 4) Although undersigned counsel cannot appear personally in both Virginia and Washington State due to the distance of travel, the time differential between Eastern Time and Pacific Time should enable him to appear in both courts if one court will permit a virtual or telephonic appearance.
- 5) Undersigned counsel has also filed a Motion to Appear Telephonically in the Thurston County Superior Court. If that Motion is granted (or if the Thurston County hearing is otherwise cancelled due to the ongoing judicial emergency in Washington State), undersigned counsel is happy to withdraw his Motion to Appear Telephonically in this Court and to appear in person.
- 6) Undersigned counsel occasionally practices law in association with other attorneys, but none of those attorneys are licensed in either Virginia or Washington State. Therefore, none of those attorneys can "cover" either the hearing in this Court or the hearing in the Thurston County Superior Court.
- 7) Allowing undersigned counsel to appear telephonically would cause the least disruption to the dockets of two courts and broadly serve the interests of justice. *Pro Hac Vice* counsel is prepared to attend the hearing in this Court personally. And, if the Thurston County Superior Court either cancels its hearing or permits undersigned counsel to appear there telephonically, local counsel is prepared to attend the hearing in this Court personally as well.

WHEREFORE, undersigned local counsel for the plaintiffs apologizes for any inconvenience to this Court and moves that he be permitted to appear telephonically or virtually at the June 19, 2020 hearing in this matter on the basis that he cannot comply with the orders he is currently under, which require him to appear in courts in both Washington State and Virginia on the same day.

Respectfully submitted this 10th day of June, 2020,

/s/Matthew D. Hardin
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Certificate of Service

I hereby certify that on June 10, 2020, I will file the foregoing with the Court's CM/ECF system, which will electronically provide notice to all counsel of record. At the present time, the following are counsel of record for the defendants:

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/s/Matthew D. Hardin
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